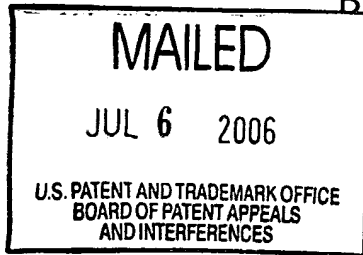


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROLAND BODMEIER

Application 10/733,292

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on June 29, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing is identified below:

An examination of the Image File Wrapper (IFW) reveals that three Terminal Disclaimers were filed on July 6, 2005.

Section 1490 of the Manual of Patent Examining Procedure

(MPEP) (Eighth Edition, Rev. 2, May 2004) states:

Where a terminal disclaimer is filed in an application pending in a TC, it will be processed by the paralegal of the Office of the Special Program Examiner of the TC having responsibility for the application. The paralegal will:

. . . .

(C) Where the terminal disclaimer is not acceptable, indicate the nature of the informalities so that the examiner can inform applicant in the next Office action;

(D) Where the terminal disclaimer is acceptable, record the the terminal disclaimer in the record of the application.

There is no indication in the electronic file, to denote the status of the Terminal Disclaimers.

In addition, it is noted that Patent No. 5,275,622 (Lazarus et al.) discussed on pages 7 and 8 of the Examiner's Answer mailed February 17, 2006, is not included as "Evidence Relied Upon." In accordance with § 1211 of the Manual of Patent Examining Procedure (MPEP) (Eighth Edition, Rev. 3, August 2005), clarification is required regarding the pertinence of the Lazarus reference. Compliance with MPEP § 1207.02(A)(8) is required in listing the Lazarus reference under the heading "Evidence Relied Upon" in the Examiner's Answer.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) for proper processing of the Terminal Disclaimers filed July 6, 2005; and
- 2) for clarification under MPEP § 1211 regarding the pertinence of the Lazarus reference listed on pages 7 and 8 of the Examiner's Answer mailed February 17, 2006;
- 3) if appropriate, for compliance with MPEP § 1207.02(A)(8) by listing the Lazarus reference in a revised Examiner's Answer under the heading "Evidence Relied Upon"; and
- 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
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Application 10/733,292

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